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10/602,626

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EXAMINER

ABEDIN, SHANTO

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/602,626 | Applicant(s) GOLDTHWAITE ET AL. | |
| | Examiner SHANTO M Z ABEDIN | Art Unit 2136 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/01/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the communication filed on 02/01/2008.
2. Claims 1-16 and 18-31 are pending in the examination.
3. Claims 1-16 and 18-31 have been rejected.

Response to Arguments

4. The applicant's arguments regarding previous 35 USC 102(e) and 35 USC 103(a) type rejections are fully considered, however, moot in view of new grounds of rejections presented in this office action (please see below for detail).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 15, 25 and 26-31 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 15 and 25, they are directed to a "computer readable medium" having computer executable instructions for performing the claimed method. However, claim language does not recite computer readable actually storing such computer executable instructions inside it, rather merely disclosing that a computer readable medium that can have computer executable instructions to perform the specific method features. Therefore, what claimed can just be "computer-executable instructions", and being non-statutory because of being program per se product.

Regarding claims 26-31, they are directed to a system, however, claim limitations failed to disclose any associated computer hardware/ structures or devices, and claimed features such as a service, permission control, and preference control can be implemented in software only. In particular, the specification discloses claimed features can be implemented as a part of the program modules or application program (please see par 0023). Therefore, claims are rejected under 35 USC 101 because of being non-statutory. See MPEP 2106.01

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8-15, 20 and 28 are rejected under 35 USC 103 (a) as being unpatentable over Allen et al (Pub US 2002/0149705 A1) in view of Balasuriya (US 2003/0041048 A1) further in view of Burgess (US 6359970 B1).

Regarding claim 1, Allen et al teaches a method for providing electronic communications management capability for managing a unique identity owned by an identity owner, wherein the unique identity is accessible through an associated unique reference, the method comprising:

providing identity access tools for allowing the identity owner to select a set of authorized identities that have rights to communicate with the identity owner, wherein the authorized identities are associated with a plurality of electronic devices (Fig 6, Fig 7; Par 0063-0066, Par 0091-

0093,0101; claim 10; communication selection component, or contact entry component allowing the users to select a set of 'contact' that users want to communicate with; contacts are associated with the specific devices/ addresses); and

allowing the identity owner to select at least one electronic device for reception of communications (Par 0022, 0034, 0043, 0066, 0092; allowing users to select a hybrid communicator/ remote controller, or any other suitable device to communicate with the contacts) wherein the at least one electronic device is authorized, by the identity owner, to accept communication from the authorized identities based at least one of a time associated with the communications or a format associated with the communications (Par 0094, 0104; plurality of reception method/ devices/ ways such as text, voice or video receptions ; Allen et al teaches to accept communication from the authorized identities based at least a format associated with the communication); and

the unique reference that is associated with the identity owner wherein the unique reference is required for the authorized identities to communicate with the identity owner using the plurality of electronic devices associated with the authorized identities (Par 0065, 0093; a unique address, or caller ID/ telephone number associated with the contacts are needed to initiate the communication between the contacts and users)

Allen et al fails to disclose expressly

providing a device selection tool for allowing the identity owners to select reception device(s); generating the unique reference; and to accept communication from the authorized identities based time associated with the communication.

However, Balasuriya discloses generating the unique reference with the identity owner (par 0023-0028, 0036-0037; deriving caller identity/ id based on phone number, IP address, or device information). Furthermore, Burgess teaches to accept communication from the authorized identities based on time associated with the communication (Col 7, lines 50 to Col 9, line 10; Claim 1; time criteria). Burgess further teaches to accept communication from the authorized identities based on a format associated with the communications (Claim 1; communication types).

Furthermore, at the time of invention, from Allen et al's teachings, it would be logically obvious to a person of ordinary skill in art to further include a device selection tool for allowing the identity owners to select reception device(s) that can be used as an alternative to a recipient hybrid communicator, and derive a unique reference as an alternative to caller id or device addresses.

Burgess , Balasuriya and Allen et al are analogous art because they are from the same field of endeavor of managing communication. At the time of invention, it would be obvious to a person of ordinary skill in art to combine the teaching of Burgess with modified Balasuriya- Allen et al method to design a method to further accept communication from the authorized identities based at least time associated with the communication in order to provide the users with more options.

Regarding claim 2, it is rejected applying as above rejecting claim 1, furthermore, Allen et al teaches the method further comprising maintaining a look-up table for locating unique references at the request of a system user (Par [0065; caller ID; telephone number).

Regarding claim 3, it is rejected applying as above rejecting claim 1, furthermore, Allen et al teaches the method further comprising providing preference controls for allowing an identity owner to select default methods for receiving communications (Fig 5; Par [0066], [0091]-[0093]; contact

containing communication device information/ address; selecting contacts and associated device addresses).

Regarding claim 4, it is rejected applying as above rejecting claim 1, furthermore, Allen et al teaches the method further comprising allowing the identity owner to select a communication delivery method for a selected group of individuals (Par [0063], [0092], [0104]; plurality of types of reception devices associated with the plurality of the communication methods).

Regarding claim 5, it is rejected applying as above rejecting claim 4, furthermore, Allen et al teaches the method wherein the method comprises allowing the identity owner to select a live communication delivery method (Par [0093]-[0094], [0104]; interactive television/ videoconferencing; address associated with the interactive television/ videoconferencing system).

Regarding claim 6, it is rejected applying as above rejecting claim 4, furthermore, Allen et al teaches the method wherein the method comprises allowing the identity owner to select a message communication delivery method (Par [0063], [0092]-[0094], [0104]; plurality of types of reception devices/ addresses associated with the plurality of the communication methods/ systems such as e-mail, text messaging, or interactive television/ videoconferencing).

Regarding claim 8, it is rejected applying as above rejecting claim 4, furthermore, Allen et al teaches the method wherein the method comprises allowing selection of a live communication delivery method for a first group of contacts and a message communication delivery method for a second group of contacts (Par [0063], [0092]-[0094]; plurality of types of reception devices/ addresses associated with the plurality of the communication methods/ systems such as e-mail, text messaging, or interactive television/ videoconferencing).

Regarding claim 9, Burgess discloses the method further comprises allowing the identity owner to block communication delivery from a third group of individuals (Col 7, line 25 to Col 9, line 67; setting priority data; blocking).

Regarding claim 10, it is rejected applying as above rejecting claim 1 and 2, furthermore, Allen et al teaches the method further comprising providing the identity owner with a pointer as the associated reference (Par [0065; caller ID associated with the contacts).

Regarding claim 11, it is rejected applying as above rejecting claim 1 and 10, furthermore, Allen et al teaches the method further comprising using the pointer to reference a plurality of electronic devices accessible to the identity owner (Par [0065; caller ID associated with the contacts; Par [0091]-[0093]; contact containing communication device information/ address) .

Regarding claim 12, it is rejected applying as above rejecting claim 1, furthermore, Allen et al teaches the method further comprising allowing transmission of communication in a first mode and delivery of the communication in a second mode (Par [0063], [0092]-[0094]; plurality of types of reception devices/ addresses associated with the plurality of the communication methods/ systems such as e-mail, text messaging, or interactive television/ videoconferencing).

Regarding claim 13, it is rejected applying as above rejecting claim 1 and 12, furthermore, Allen et al teaches the method further comprising translating the communication from the first mode to the second mode (Par [0094]; device configured to convert/ reproduce the messages).

Regarding claim 14, it is rejected applying as above rejecting claim 12, furthermore, Allen et al teaches the method wherein the first mode and the second mode comprise one of voice communications, text communications, and video communications modes (Par [0063], [0092]-

[0094]; plurality of types of reception devices/ addresses associated with the plurality of the communication methods/ systems such as e-mail, text messaging, or interactive television/ videoconferencing).

Regarding claim 15, it is rejected applying as above rejecting claim 1, furthermore, Allen et al teaches a computer-readable medium having computer-executable instructions for performing the method recited in claim 1 (Par [0063]-[0066], Par [0091]-[0094]; configured).

Regarding claims 20 and 28, they recite the limitations of claims 8-9 and 14, therefore, they are rejected applying as above rejecting claims 8-9 and 14.

7. Claim 7 is rejected under 35 USC 103 (a) as being unpatentable over Allen et al (Pub US 2002/0149705 A1) in view of Balasuriya (US 2003/0041048 A1) further in view of Burgess (US 6359970 B1) further in view of Boman et al (US 6895257 B2).

Regarding claim 7, it is rejected applying as above rejecting claim 4, combination of Burgess- Allen et al fails to teach expressly allowing a message sender to control a sent message until a receiver processes the message, such that a sender may delete a sent message prior to processing.

However, Boman et al discloses allowing a message sender to control a sent message until a receiver processes the message, such that a sender may delete a sent message prior to processing (abstract; editing before sending/ processing email).

Boman et al and Allen et al are analogous art because they are from the same field of personalized communication control devices. At the time of invention, it will be obvious to a person

with ordinary skill in the art to combine the teaching of Boman et al with Burgess- Balasuriya -Allen et al to design the method further comprising the step of allowing a message sender to control a sent message until a receiver processes the message, such that a sender may delete a sent message prior to processing in order to provide user with the editing facilities such as error correcting or updating or deleting before the message is actually sent (Boman et al, abstract).

8. Claims 16, 18-19, 21-27 and 29-31 are rejected under 35 USC 103 (a) as being unpatentable over Allen et al (Pub US 2002/0149705 A1) in view of Balasuriya (US 2003/0041048 A1)

Regarding claim 16, Allen et al teaches a method for facilitating electronic communications management by a system user, the method comprising:

wherein the unique reference is required to access a unique identity belonging to the system user (Par 0065, 0093; a unique address, or caller ID/ telephone number associated with the contacts are needed to initiate the communication between the contacts and users).

permitting access to the unique identity belonging to the system user through a unique reference (Par 0065, 0093; accessing/ communicating to 'contact' through unique device address, or caller ID/ telephone number associated with the contacts), wherein the unique identity comprises a plurality of components (Par 0093- 0096; contact including plurality of components such as identifiers and addresses);

allowing the system user to alter any one of the plurality of components without altering the reference (Par 0092, 0095, 0100; user changing visual/ audio identifiers/ contacts without making any change to caller ID or the phone numbers associated with the identifier/ contacts) and

providing the system user with tools for regulating access to the plurality of components such that selected known identities have access to selected component of the plurality of components, to accept electronic communication from selected known identities (Par 0022, 0034, 0043, 0091-0092, 0101; user having a hybrid communicator, or communication selection component, or user selection component for regulating access to the hybrid communicator/ controller, or other receiving devices to communicate with the selected contacts/ devices) wherein the unique reference is required to be used by the selected known identities to communicate with the selected components (Par 0065, 0093; a unique address, or caller ID/ telephone number associated with the contacts are needed to initiate the communication between the contacts and users).

Allen et al fails to teach expressly

generating a unique reference for the system user; and wherein the selected components of the plurality components are authorized, by the system user to accept electronic communication.

However, Balasuriya discloses generating a unique reference for the system user (par 0023-0028, 0036-0037; deriving caller identity/ id based on phone number, IP address, or device information).

Furthermore, at the time of invention, from Allen et al's teachings, it would be logically obvious to a person of ordinary skill in art to further including the step of selected components of the plurality components are being authorized by the system user to accept electronic communication in order to provide users with authorized recipient devices other than hybrid communicator (since each contact/ user has plurality of communication devices associated with each of them, and it would be desirable to use any of them to accept communication), and it would

be further obvious to a person of ordinary skill in art to generate a unique reference for the system user as an alternative to caller id or device addresses.

Balasuriya and Allen et al are analogous art because they are from the same field of endeavor of managing communication. At the time of invention, it would be obvious to a person of ordinary skill in art to combine the teaching of Balasuriya with Allen et al method to design a method to further including the step of generating a unique reference for the system user in order to provide an alternative to caller id or device addresses.

Regarding claim 18, Allen et al teaches the method further comprising allowing the system user to select a communication delivery method for receiving communications from each known system user (Par [0091]-[0094], [0104]; different communication/ reception methods and devices).

Regarding claim 19, Allen et al teaches the method further comprising allowing the system user to select an additional communication delivery method for unknown system users (Par [0091]-[0094], [0104]).

Regarding claim 21, Allen et al teaches the method further comprising allowing a sender to select a communication transmission mode (Par [0063], [0092]-[0094]).

Regarding claim 22, Allen et al teaches the method further comprising allowing a first system user to select a communication transmission mode and allowing a second system user to select a communication delivery mode (Par [0063], [0094], [0104]).

Regarding claim 23, Allen et al teaches the method further comprising translating the communication transmission mode into the communication delivery mode if required (Par [0063], [0094], [0104]).

Regarding claim 24, Allen et al teaches the method further comprising providing video, audio, and text communication delivery modes and communication transmission modes (Par [0063], [0092]-[0094]).

Regarding claim 25, Allen et al teaches the method a computer-readable medium having computer-executable instructions for performing the method (Par [0064], [0092]; configured).

Regarding claim 26, Allen et al teaches a system for allowing a user having a unique identity to manage communications, wherein the unique identity is associated with a plurality of electronic devices, the system comprising:

a service for assigning a reference to a user's unique identity, wherein an authorized identity can access the user's unique identity to communicate with the user only by using the unique reference (Par 0065, 0093; a unique address, or caller ID/ telephone number associated with the contacts are needed to initiate the communication between the contacts and users);

permission controls for allowing the user to control access to the unique identity by restricting authorization to a selected set of other identities (Par 0092- 0094; user selecting/ controlling desirable communication devices/ addresses, and methods as a part of the creating contacts or identifiers); and

preference controls for allowing the user to select at least one associated device from a plurality of associated devices for receiving communication upon an access attempt by an authorized user (Par 0034, 0043, 0092-0094; user selecting/ controlling desirable devices/ addresses associated with the selected contacts).

Allen et al fails to disclose a service for generating a reference to a user's identity.

However, Balasuriya discloses a service for generating a reference to a user's identity (par 0023-0028, 0036-0037; deriving caller identity/ id based on phone number, IP address, or device information).

Furthermore, Balasuriya discloses allowing the user to control access to the unique identity by restricting authorization to a selected set of other identities (par 0023-0028, 0036-0037; claims 1-19; restricting/ permitting communication based upon subscriber/ user, and/ or device's status and identities).

Balasuriya and Allen et al are analogous art because they are from the same field of endeavor of managing communication. At the time of invention, it would be obvious to a person of ordinary skill in art to combine the teaching of Balasuriya with Allen et al to design a method comprising allowing the user to control access to the unique identity by restricting authorization to a selected set of other identities in order to prevent unauthorized user access.

Regarding claim 27, Allen et al teaches the system wherein the service is a centralized service comprising a directory for allowing system users to locate references for other system users (Par [0064]- [0065]; list or directories of caller ID/ telephone number associated with the contacts).

Regarding claims 29-31, they recite the limitations of claims 17,20,23 and 26, therefore, they are rejected applying as above rejecting claims 17, 20, 23 and 26.

Conclusion

9. A shortened statutory period for response to this action is set to expire in 3 (Three) months and 0 (Zero) days from the mailing date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C 133, M.P.E.P 710.02(b)). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shanto M Z Abedin whose telephone number is 571-272-3551. The examiner can normally be reached on M-F from 9:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moazzami Nasser, can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shanto M Z Abedin

Examiner, AU 2136

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2136

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